

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kate Akerly	Team: Team # 1	CCRB Case #: 200703241	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/08/2007 1:30 AM	Location of Incident: Albermarle Road and East 29th Street	Precinct: 67	18 Mo. SOL 9/8/2008	EO SOL 9/8/2008	
Date/Time CV Reported Thu, 03/08/2007 4:31 AM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Thu, 03/08/2007 4:31 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Bruce Ceparano	02203	933682	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Fakrul Islam	27327	932815	067 PCT
2. SGT Jerome Bacchi	00188	923531	067 PCT
3. POM Gerald Barnett	14733	918688	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Bruce Ceparano	Abuse: PO Bruce Ceparano stopped § 87(2)(b)	
B.POM Bruce Ceparano	Abuse: PO Bruce Ceparano threatened to issue summons to § 87(2)(b)	

### Synopsis

On March 8, 2007, § 87(2)(b) of § 87(2)(b) in Brooklyn filed the following complaint with the 67<sup>th</sup> Precinct and the complaint was referred to the CCRB the same day. On March 8, 2007, at approximately 1:30am, § 87(2)(b) was driving on Albermarle Road, in Brooklyn, when he was pulled over by PO Bruce Ceparano from the 67<sup>th</sup> Precinct [**Allegation A**] for weaving in and out of traffic and extremely dark tinted windows. PO Ceparano requested § 87(2)(b)'s driver's license and registration. After PO Ceparano checked § 87(2)(b)'s driver's license and registration he returned them to him. § 87(2)(b) was not arrested or issued a summons but was released with a warning. § 87(2)(b) went to the 67<sup>th</sup> Precinct stationhouse immediately after the incident in order to file a complaint against PO Ceparano for stopping him and not issuing a summons. § 87(2)(b) did not have his name or badge number so he waited at the stationhouse until he saw PO Ceparano enter the stationhouse. § 87(2)(b) alleged that PO Ceparano threatened to issue him summonses for violations from the previous stop [**Allegation B**]. § 87(2)(b) asked PO Ceparano for his name and PO Ceparano wrote it down on a piece of paper.

§ 87(2)(g)

### Summary of Complaint

§ 87(2)(b) was interviewed at the CCRB on April 3, 2007. § 87(2)(b)

§ 87(2)(g)

On March 8, 2007, at approximately 1:30am, § 87(2)(b) was coming from work and heading home. He was driving on Nostrand Avenue and stopped his car at a red light on the corner of Nostrand Avenue and Church Avenue. He noticed a police officer, later identified as PO Bruce Ceparano, exiting a deli on the corner. PO Ceparano was the driver of the patrol vehicle. PO Ceparano's patrol car was parked, facing north, towards Flatbush Avenue. PO Ceparano entered his vehicle. PO Ceparano was described as a white male, five feet, eight inches tall, weighing one hundred and eighty pounds with a shiny baldhead and a muscular build. The light changed red for PO Ceparano and green for § 87(2)(b). § 87(2)(b) had the right-of-way but out of courtesy he let PO Ceparano pull out in front of him. PO Ceparano pulled out and then § 87(2)(b) began driving behind him. PO Ceparano slowed down as they were heading south on Nostrand Avenue. § 87(2)(b) signaled left to go around PO Ceparano. § 87(2)(b) was in the left lane, ahead of PO Ceparano, and PO Ceparano was in the right lane. § 87(2)(b) signaled to get into the right lane, getting in front of PO Ceparano. § 87(2)(b) stated that he did not cut PO Ceparano off, he had enough room to make the lane change. § 87(2)(b) made a right turn onto Tilden Avenue. PO Ceparano made a right turn on Tilden Avenue, right behind him. § 87(2)(b) made a right turn on 29<sup>th</sup> Street and PO Ceparano made a right turn on 29<sup>th</sup> Street. § 87(2)(b) made a right turn onto Albermarle Road and PO Ceparano made a left onto Albermarle Road.

§ 87(2)(b) parked his vehicle while PO Ceparano was on the corner of 29<sup>th</sup> Street and Albermarle Road. § 87(2)(b) exited his vehicle and saw PO Ceparano turn left on Albermarle Road and stop his vehicle. § 87(2)(b) started walking towards his house and then realized that he left his cellular phone in his car. He went back to his vehicle, opened the door, and grabbed the sidekick. PO Ceparano reversed down Albermarle Road and stopped approximately ten feet in front of § 87(2)(b)'s car. At this point § 87(2)(b) noticed there was an officer sitting in the passenger seat of the patrol vehicle, PO2, but he never interacted with § 87(2)(b). PO2 was later identified as PO Gerald Barnett and was described as a white male, six feet, one inch tall, weighing two hundred and twenty pounds with a muscular build and blonde hair. While § 87(2)(b) was walking away from his car and simultaneously on the phone with his girlfriend PO Ceparano exited his vehicle and told § 87(2)(b) "I saw you walk away and come back, is this your vehicle?" § 87(2)(b) responded, "yes." PO Ceparano asked, "Why did you come back to the vehicle?" § 87(2)(b) told him that he forgot something in the car. PO Ceparano asked § 87(2)(b)

§ 87(2)(b) for his license and registration. Initially, PO Ceparano was speaking in a low tone. § 87(2)(b) asked PO Ceparano why he was being pulled over and the officer ignored his question. § 87(2)(b) asked the officer again why he was being stopped and the officer ignored his question. PO Ceparano told § 87(2)(b) to hang up his phone. After PO Ceparano asked § 87(2)(b) to get off the phone, PO Ceparano's voice level started getting louder, but § 87(2)(b) did not match PO Ceparano's level.

§ 87(2)(b) told PO Ceparano that he did not want to hang the phone up. PO Ceparano told him again to hang up the phone. § 87(2)(b) then told PO Ceparano that he wanted to put his phone on speakerphone. PO Ceparano told him, "No, I want you to disconnect your phone call because I don't want you on the phone period." § 87(2)(b) told his girlfriend that he would call her back. § 87(2)(b) stated that PO Ceparano asked him to hang up his phone three times before he complied. For the second time PO Ceparano asked § 87(2)(b) for his license and registration. Later on in his statement § 87(2)(b) stated that PO Ceparano only asked him once for his license and registration. § 87(2)(b) opened his vehicle and gave PO Ceparano his license and registration. He sat in the vehicle for approximately four minutes while PO Ceparano ran his plates. PO Ceparano gave § 87(2)(b) back his license and registration and told him "You're up to something. I'm not sure what it is." § 87(2)(b) asked PO Ceparano, for the third time, "Why did you stop me?" PO Ceparano ignored his question, went back to his patrol vehicle, and drove away. During the interaction PO2 only left the patrol car for a short period of time to look at something on the street and got right back into the patrol vehicle. § 87(2)(b) does not believe there was any one on the street that would have witnessed the incident.

§ 87(2)(b) did not know PO Ceparano's name or his license plate number so he went back to the precinct to obtain them. § 87(2)(b) entered the precinct and asked an officer, PO3, when the shift was going to be over. PO3, who was unable to be identified, informed him that it would be over at 8:00am. § 87(2)(b) asked if it was all right to sit and wait for PO Ceparano. He waited about thirty minutes and PO Ceparano came into the precinct, wearing an NYPD shirt without a badge or shield on. PO Ceparano asked § 87(2)(b) what his problem was. § 87(2)(b) said, "You pulled me over and I want to know why you pulled me over?" PO Ceparano told § 87(2)(b) that he could have issued him five summonses. § 87(2)(b) asked PO Ceparano what he could have issued him summonses for. PO Ceparano told him that his lights were out in the rear of his vehicle, his windows were tinted, and he named one more violation but § 87(2)(b) could not recall what it was. During the interview § 87(2)(b) stated that four side windows have a semi-tint but they are not illegal tints. § 87(2)(b) stated that it was a light tint and PO Ceparano would have been able to see inside his vehicle. § 87(2)(b) stated that he does not have any lights out in the rear of his vehicle. § 87(2)(b) asked PO Ceparano why he did not give him the tickets. PO Ceparano responded "Because you were a nice guy." § 87(2)(b) told PO Ceparano that that was not a valid reason. PO Ceparano told him "You know what I can give you the tickets now if you want to." § 87(2)(b) told him "You know what sure, give me the tickets." As § 87(2)(b) was about to pull out his license and give it to PO Ceparano so he could issue the tickets, PO3 intervened. PO3 was trying to convince § 87(2)(b) not to file a complaint against PO Ceparano. § 87(2)(b) told PO3 that he would still like to file a complaint. PO3 gave § 87(2)(b) the paperwork for him to file the complaint, but refused to provide § 87(2)(b) with a pen. § 87(2)(b) had to leave the precinct, go to his house to get a pen, and then return in order to file the complaint. At some point during their interaction at the precinct § 87(2)(b) asked PO Ceparano for his name. PO Ceparano scribbled his name on a piece of paper. § 87(2)(b) told PO Ceparano that he could not read the name, and he asked PO Ceparano if he could repeat the name. PO Ceparano told him, "no." PO Ceparano then wrote his name down again, legibly. § 87(2)(b) stated that the name he wrote down was "Ceparano." PO Ceparano never issued § 87(2)(b) a summons.

### **Results of Investigation**

#### **Officer Statements**

The **memo book of PO Bruce Ceparano** noted that on March 8, 2007, at approximately 1:25am, a car stop was conducted on Albermarle Road and East 28th Street for extremely dark tinted windows and for failure to signal. It stated that the offender was issued a warning.

**PO Bruce Ceparano** was interviewed at the CCRB on April 27, 2007, at 1:20pm. He is a § 87(2)(b)-year-old white male, five feet, nine inches tall, two hundred and twenty pounds, and has a shaved head and brown eyes. On March 8, 2007, PO Ceparano worked from 11:15pm until 7:50am on patrol of sectors A, B, C with PO Scott Barnett. He was dressed in uniform and was assigned to RMP 1612.

On March 8, 2007, at approximately 1:25am, PO Ceparano observed § 87(2)(b) driving recklessly. § 87(2)(b) was driving on Nostrand Avenue, cut in front of the officers, and then made a right on Tilden Avenue. § 87(2)(b) then made a right on 29<sup>th</sup> Street and then another right, which is where they pulled him over. They followed § 87(2)(b) for approximately three minutes and observed him weaving in and out of traffic without signaling and he also had four extremely dark tinted windows. § 87(2)(b) did not signal when he pulled in front of the officers and he also did not signal when he made a right on Tilden Avenue. They pulled him over, using the lights and sirens, and as they were doing so he jumped out of his car, while he was on his cellular phone. PO Ceparano and PO Barnett told § 87(2)(b) to get back into his car, for his own safety, and asked him to hang up his cellular phone. § 87(2)(b) got back into his car. They asked for his driver's license and registration, which he gave to them. § 87(2)(b) was not arguing with them but he was not complying with their initial requests. PO Ceparano explained to him why he was being pulled over. They checked the driver's license and registration and everything was fine. The officers gave him a warning telling him that he needed to signal when he changed lanes and they also told him that his windows were tinted too dark. The officers then left the scene.

On March 8, 2007, at approximately 2:00am, PO Ceparano walked into the 67<sup>th</sup> Precinct Stationhouse to have meal and he saw § 87(2)(b) standing at the reception desk. PO Ceparano approached § 87(2)(b) and said, "Can I help you?" § 87(2)(b) asked PO Ceparano where his summons was. PO Ceparano explained that he gave § 87(2)(b) a warning and that there were no summonses issued. PO Ceparano thinks that § 87(2)(b) was under the impression that since they stopped him he must be issued a summons and since he was not issued a summons, the officers had no reason to stop him. PO Ceparano did not threaten to issue § 87(2)(b) the summonses that he previously gave him a warning for.

### **Police Documents**

The **Tour 1 roll call** for the 67<sup>th</sup> Precinct on March 8, 2007 has PO Ceparano working with PO Gerald Barnett, assigned to RMP 1521, and patrolling sectors A and B.

### **Civilian CCRB and Criminal Conviction History**

§ 87(2)(b) has filed one other complaint with the CCRB, § 87(2)(b)

### **Officer CCRB History**

PO Ceparano has had no CCRB complaints filed against him during his three-year tenure with the NYPD.

### **Conclusions and Recommendations**

#### **Officer Identification**

§ 87(2)(b) was able to identify PO Ceparano by the name that PO Ceparano wrote down on a piece of paper for him. When interviewed at the CCRB, PO Ceparano confirmed that he stopped § 87(2)(b) and he also confirmed that he interacted with § 87(2)(b) at the 67<sup>th</sup> Precinct stationhouse. § 87(2)(g)

## Undisputed Facts

It is undisputed that on March 8, 2007, PO Ceparano stopped § 87(2)(b). It is also undisputed that after the incident § 87(2)(b) interacted with PO Ceparano at the 67<sup>th</sup> Precinct stationhouse.

## Disputed Facts

The facts in dispute consist of whether PO Ceparano had valid reason to stop § 87(2)(b). It is also disputed whether or not PO Ceparano threatened to issue § 87(2)(b) summonses while they were in the 67<sup>th</sup> Precinct stationhouse.

## Assessment of Evidence

Based on § 87(2)(b)'s own statement his vehicle did in fact have tinted windows. § 87(2)(b) alleged that the tint on his four side windows were legal levels of tint. PO Ceparano confirmed that § 87(2)(b)'s vehicle possessed tinted windows but he described the windows as being extremely dark. § 87(2)(g) PO Ceparano made a decision, while driving that the windows were in violation of New York City Vehicle and Traffic laws. § 87(2)(g) PO Ceparano chose not to issue § 87(2)(b) any summonses and only gave him a warning about the violations. § 87(2)(g) In order for an officer to issue a summons regarding tinted windows the motor vehicle's side windows would need to be treated or covered with any material that has a light transmittance of less than seventy percent.

§ 87(2)(b)'s statement to the CCRB initially stated that he was stopped while walking down the street but later he argued that the officer "pulled him over," which was consistent with PO Ceparano's statement. § 87(2)(b) described a driving situation where he was weaving around traffic. He stated that he was getting into the left lane to pass the patrol vehicle and then getting into the right lane to get in front of the patrol vehicle. PO Ceparano also described § 87(2)(b)'s driving as weaving in and out of traffic. PO Ceparano was able to articulate that he conducted the vehicle stop of § 87(2)(b) based on the vehicle having tinted windows and § 87(2)(b) weaving in and out of traffic. Furthermore, PO Ceparano documented § 87(2)(b)'s tinted windows and changing lanes without signaling in his memo book, directly after the incident. § 87(2)(g)

After the incident § 87(2)(b) went to the 67<sup>th</sup> Precinct stationhouse to question PO Ceparano about the validity of the stop. While at the stationhouse § 87(2)(b) alleged that PO Ceparano threatened to issue him the summonses from the previous violations. PO Ceparano denied that he threatened to issue him summonses.

**Allegation A: Abuse of Authority: PO Bruce Ceparano stopped § 87(2)(b)**

**Allegation B: Abuse of Authority: PO Bruce Ceparano threatened to issue summonses to § 87(2)(b)**

Police officers may stop a vehicle when the officer reasonably suspects a violation of the Vehicle and Traffic Law. § 87(2)(g)

§ 87(2)(b) also alleged that PO Ceparano threatened to issue him summonses several hours after the incident occurred. PO Ceparano denied doing so § 87(2)(g) Currently, there are no statutes, within the NYPD Patrol Guide, that restrict police officers ability to issue a summons at any point

after the violation has occurred. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Investigator:	Date:
Supervisor:	Date:
Reviewed by:	Date:
Reviewed by:	Date: